

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00517

Roxanne Feme Fatel Joganik,
Plaintiff,

v.

East Texas Medical Center et al.,
Defendants.

ORDER

Plaintiff Roxanne Joganik, proceeding pro se and *in forma pauperis*, filed this action on November 4, 2019, alleging various civil-rights and constitutional violations. Doc. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 3. On October 6, 2022, the magistrate judge issued a report recommending that plaintiff's remaining § 1557 claim be dismissed with prejudice as frivolous and for failing to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B). Doc. 135. Plaintiff filed written objections. Doc. 136.

The court reviews the objected-to portions of a magistrate judge's report and recommendation de novo. See Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1).

Objections must specifically identify those findings or recommendations to which objections are being made. *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987). The district court need not consider frivolous, conclusive, or general objections. *Id.*; see *Palacios v. United States Marshall Serv.*, No. MO:11-CV-00009-RAJ, 2012 U.S. Dist. LEXIS 198673, at *21 (W.D. Tex. Feb. 23, 2012) (finding a generalized and amorphous objection to be frivolous because it did not specifically object to any part of the magistrate judge's report and recommendation). Plaintiff did not object to any part of the magistrate judge's report with specificity. Plaintiff's objection is therefore overruled.

To the extent that plaintiff treats the filing of objections as effectively a sixth amended complaint without grant of leave, such action is improper. Issues raised for the first time in objections to a magistrate judge's report are deemed not properly before the district court. *K Invs., Inc. v. B-Gas Ltd.*, 2022 U.S. App. LEXIS 8423, at *12 (5th Cir. 2022) (quotations omitted); *see United States v. Armstrong*, 951 F.2d 626, 630 (5th Cir. 1992) (holding that issues first raised in objections to a magistrate judge's findings are not properly before the court).

Having reviewed the magistrate judge's report de novo, and having found no error, plaintiff's objections are overruled, and the report and recommendation of the magistrate judge (Doc. 135) is accepted. *See* Fed. R. Civ. P. 72(b)(3). Plaintiff's complaint is dismissed with prejudice. The clerk of court is directed to close this case.

So ordered by the court on October 20, 2022.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge